

Defendants.

Plaintiffs Janet Louise and Chris Nelums (the Nelums), who are self-represented, filed this lawsuit against the above-named defendants. The matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge suggesting to the Court (1) the

Nelum's case be dismissed without prejudice and without issuance and service of process; and (2) their motions for temporary restraining orders and permanent injunctions be deemed as moot. The Report was made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on August 31, 2021, and the Nelums filed their objections on September 20, 2021. The Court has reviewed the objections, but holds them to be without merit. It will therefore enter judgment accordingly.

This Court need not conduct a de novo review of the record “when a party makes general and conclusory objections that do not direct the court to a specific error in the [Magistrate Judge’s] proposed findings and recommendations.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982). The Court reviews the Report and Recommendation only for clear error in the absence of specific objections. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir.2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record to accept the recommendation.”) (citation omitted).

Here, in the Nelums’s fifty-nine-pages of objections, along with one-hundred-fourteen pages of attachments, they have wholly failed to bring any specific objections to the Report. Instead, they offer nothing more than non-specific and nonsensical objections. Inasmuch as the Court agrees with

the Magistrate Judge's analysis of the complaint in her comprehensive and well-reasoned Report, it need not repeat the discussion here.

Consequently, because the Nelums neglect to make any specific objections, and the Court has found no clear error, the Court will overrule the objections and accept the Magistrate Judge's recommendation that the Nelums's action be dismissed without prejudice and without issuance and service of process.

Further, inasmuch as the Magistrate Judge warned the Nelums of the consequences of failing to file specific objections, Report at 8, they have waived appellate review. *See Howard v. Sec'y of Health & Human Servs.*, 932 F.2d 505, 508-09 (6th Cir. 1991) (holding general objections are insufficient to preserve appellate review).

After a thorough review of the Report and the record in this case pursuant to the standard set forth above, the Court overrules the Nelums's objections, adopts the Report, and incorporates it herein. Therefore, it is the judgment of the Court that (1) the Nelum's case is **DISMISSED WITHOUT PREJUDICE** and without issuance and service of process; and (2) their motions for temporary restraining orders and permanent injunctions are thus **DEEMED AS MOOT**.

Further, inasmuch as the Nelums have failed to offer any competent factual or legal support for their arguments that the Magistrate Judge should be disqualified from this case, that request is **DENIED**.

IT IS SO ORDERED.

Signed this 2nd day of February, 2022, in Columbia, South Carolina.

s/ Mary Geiger Lewis

MARY GEIGER LEWIS
UNITED STATES DISTRICT JUDGE

NOTICE OF RIGHT TO APPEAL

The Nelums are hereby notified of the right to appeal this Order within thirty days from the date hereof, pursuant to the Federal Rules of Appellate Procedure.